



PUBLIC NOTICE

Federal Communications Commission
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DA 03-3032

October 3, 2003

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON REQUESTS FOR WAIVER OR LIMITED EXTENSION OF THE NUMBER PORTING AND POOLING REQUIREMENTS OF CMRS PROVIDERS

PLEADING CYCLE ESTABLISHED

CC Docket No. 95-116
CC Docket No. 99-200

Comment Date: October 17, 2003

Reply Comment Date: October 24, 2003

On September 25, 2003, Cellular Mobile Systems of St. Cloud, LLC (CMS) and Advantage Cellular Systems, Inc. (Advantage) filed separate petitions for waiver of the Federal Communications Commission's (Commission's) rules requiring Commercial Mobile Service (CMRS) providers to implement wireless Local Number Portability (LNP) and follow certain thousands-block number pooling obligations by November 24, 2003.¹ Both CMS and Advantage contend that their porting and pooling obligations are unclear, primarily because of recent changes to the boundaries of their service areas.² According to each petitioner, one of the counties within their respective cellular licensing areas was recently included in a Metropolitan Service Area that is subject to porting and pooling obligations beginning November 24, 2003.³ Both CMS and Advantage request an extension of its porting and pooling obligations until May 24, 2004, when both carriers anticipate being able to provide wireless LNP.⁴

¹ *Petition of Cellular Mobile Systems of St. Cloud, LLC for Limited Waiver and Extension*, filed September 25, 2003 (CMS Petition); *Petition of Advantage Cellular Systems, Inc. for Clarification, or in the Alternative, Limited Waiver and Extension*, filed September 25, 2003 (Advantage Petition).

² CMS Petition at 2 (citing comments it filed in CC Dockets No. 99-200 and 95-116 on April 3, 2003 pursuant to Public Notice DA 03-860); Advantage Petition at 1.

³ CMS Petition at 2-3; Advantage Petition at 2.

⁴ CMS Petition at 6; Advantage Petition at 7.

We invite comment on these waiver requests. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before **October 17, 2003**, and reply comments on or before **October 24, 2003**. All filings must reference **CC Docket No. 95-116** and **CC Docket No. 99-200**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to <ecfs@fcc.gov>, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 5-B540, Washington, DC 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20054.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Scott A. Mackoul, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7498, TTY (202) 418-0484, or Scott.Mackoul@fcc.gov.

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).